

MAY 23 2007

*Application No. 10/728513*  
*Page 5**Amendment*  
*Attorney Docket No. S63.2N-6769-US04***Remarks**

This Response is in reply to the Office Action dated March 13, 2007, wherein claims 38-49 were rejected under the judicially created doctrine of double patenting.

**Double Patenting**

Claims 38-49 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,896,696 and over claims 1-2 of U.S. Patent 6,776,793.

Without forming an opinion as to the validity of the double patenting rejection, Applicants note that the projected expiration date of a patent granted on the immediate application will be the same as the expiration date of the prior '793 patent, regardless of whether or not the immediate application is subject to a Terminal Disclaimer. Furthermore it is noted that the '696 patent is set to expire after the presumed term of '793 patent (and any patent which may result from the allowance of the present application). Therefore, in order to further timely prosecution of the immediate application, included in this filing are two Terminal Disclaimers to Obviate a Double Patenting Rejection Over a Prior Art Patent including the associated fees under 37 C.F.R. 120(d). Withdrawal of the rejection is respectfully requested.

MAY 23 2007

*Application No. 10/728513*  
*Page 6*

*Amendment*  
*Attorney Docket No. S63.2N-6769-US04*

**Conclusion**

Based on at least the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 38-49 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: May 23, 2007

By: \_\_\_\_\_

James M. Urzedowski  
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

f:\wpwork\jmu\06769us04\_amd\_20070326.doc